

Members

Rep. Robert Bischoff, Chairperson
Rep. Paul Robertson
Rep. Robert Cherry
Rep. Dan Leonard
Sen. Ryan Mishler
Sen. Greg Walker
Sen. James Lewis
Sen. Richard Young



NATURAL RESOURCES STUDY COMMITTEE

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Authority: IC 2-5-5-1

MEETING MINUTES¹

Meeting Date: October 29, 2009
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St., Room 404
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Rep. Robert Bischoff, Chairperson; Rep. Paul Robertson; Rep. Robert Cherry; Rep. Dan Leonard; Sen. Ryan Mishler; Sen. Greg Walker; Sen. James Lewis; Sen. Richard Young.

Members Absent: None.

Representative Bob Bischoff (Chairperson) called the meeting to order at 10:05 a.m. After an introduction of the members and staff of the Natural Resources Study Committee (Committee) the chairperson called on the first witness to talk about the issue of the protection of the backcountry area of the Morgan-Monroe State Forest and the Yellowwood State Forest.

¹ Exhibits and other materials referenced in these minutes can be obtained electronically by requesting copies at licrequests@iga.in.gov. Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for hard copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

LOGGING IN THE BACKCOUNTRY AREA

Representative Matt Pierce stated that he became aware of the issue of potential logging in the backcountry area of the Morgan-Monroe State Forest a few years ago. Some of the things he has learned about the area's history include:

- In 1981, Governor Orr designated and set aside the backcountry area.
- The federal Charles C. Deam Wilderness Area, which was established in 1982, was negotiated to be a smaller area if the state would set aside a certain portion of the state forest.
- In 1981, the Department of Natural Resources (DNR) issued a press release indicating that 1500 acres of forest would be designated as a backcountry area and have certain use restrictions placed upon the area.
- Logging has not taken place in the backcountry area since 1975.

Even if DNR allowed selected trees to be cut, there would still be an impact on the area. He does not want to disturb general tree harvesting in the state but he would like a policy established to set this particular area aside.

In response to Committee questions, Rep. Pierce stated the following:

- The backcountry area currently consists of about 3,014 acres.
- There is currently no official state policy that would prohibit DNR from clear cutting the area.
- The policy that was in place in 1981 is not as important as the state deciding the policy that it wants to have in the future.

Representative Ralph Foley stated that he is a big fan of the Morgan-Monroe State Forest and an equally big fan of the timber industry. The timber industry is vital to the state and should be encouraged. However, there is significance to the backcountry area. Even if it is not virgin timber, it can show what forests used to be like in the state. He believes that there is merit to having a section of forest in the state that is left to be a pristine area.

In response to a question by the Committee, Rep. Foley said that people have already disturbed the balance of nature in the forests. In Indiana, many species like bear and wolves no longer are found in the wild. Deer had to be reintroduced in the state because they had been hunted to extinction.

Ray Moistner, *Executive Director, Indiana Hardwood Lumbermen's Association*, stated that it is the people that make their living from the forest that care the most about its health and future. He quoted IC 14-23-4-1 which contains a policy statement concerning the preservation and use of Indiana's timber. The Division of Forestry is required to manage the forests under its care. Poor management leads to disease and forest fires.

Chris Smith, *Director, Legislative Relations, DNR*, presented a packet of materials concerning the backcountry area (Exhibit #1) The materials concerning the backcountry include: a July 20, 1981 DNR press release; backcountry timber harvest information; June 29, 2009 DNR response to the Morgan County Commissioners; 1981 magazine article; and various DNR letters to the editor.

John Seifert, *Director, Division of Forestry, DNR*, stated that the Division of Forestry developed a strategic plan that looked at the entire forest system, including the backcountry area. Mr. Seifert distributed handouts of his presentation (Exhibit #2), and a

handout containing certain highlighted points, and maps and photographs of the backcountry area. (Exhibit #3) Indiana trees do not live thousands of years like redwoods. All the Division's forested areas are assessed every 20 years. Harvesting the timber in the area may not take place for 60-100 years. The backcountry area is at a point where the trees need to be thinned. Thinning helps the general health of the forest. Revenues from the Division's sale of timber are split into several areas, including operations of the Division, land acquisition, and research.

In response to Committee questions, Mr. Seifert stated the following:

- Campers, with a permit, are allowed to cut firewood in state forests. State parks do not allow cutting firewood.
- A lot of the forests areas have cut ridge-top roads to harvest timber. The roads later become hiking trails.
- Most harvesting on state forests lands is a single cut method which removes about 8-10 trees per acre.

Scout Haulton, *Wildlife Specialist, Division of Forestry, DNR*, spoke on the effects that selective timber harvesting has on wildlife habitat in general and the species of greatest conservation need that are currently known to use the state forest backcountry area. He passed out copies of his presentation. (Exhibit #4) Selective harvesting of trees creates openings in the forest canopy, which encourages the growth of shrubs and herbaceous plants in the groundstory. Plants and animals that specifically benefit from open areas in the canopy include the Illinois dewberry, Indiana bat, hooded warbler, worm-eating warbler, and the timber rattler. There is currently an abundance of mature forest breeding birds across the Morgan-Monroe State Forest.

Steve Backs, *Wildlife Biologist, Division of Fish and Wildlife, DNR*, distributed to the Committee his comments and a 2005 report containing recommendations for management of DNR forest properties. (Exhibit #5) Mr. Backs spoke about the variety of wildlife species and the diversity of habitats that they need. Historically, the diversity of habitats was defined by the frequency of natural catastrophic destructive events (e.g. fires, tornadoes, and insect infestations). Animals were able to migrate to suitable environments. However, human development has disrupted many pathways for wildlife recolonization. Timber management can be used to mimic the natural disturbances to create diverse habitats

Phil Marshall, *State Entomologist, Division of Entomology and Plant Pathology, DNR*, distributed materials regarding concerns for Indiana forests as they become older and larger and decline in red and white oaks. (Exhibit #6) Mr. Marshall stated that his division monitors the health of Indiana forests on an annual basis. As a tree grows, competition with other trees and natural events creates stress on the tree. Some tree species tolerate stress better than others. As forests grow, black and scarlet oaks are the first to die from stress events, with other tree species following in a predictable order. U.S. Forest Service surveys indicate that Indiana trees are: growing larger; carrying more timber volume per acre; growing into sawtimber size class trees; and the sawtimber size trees are getting larger. In south-central Ohio there is currently a high mortality rate of white oaks. The reason is not known. About 80% of the standing white oaks are dying or in decline.

Sam Bond, *President, Indiana Forestry Industry Council*, indicated that he has 32 years of experience as a forester. He has seen how disturbances have helped forest health. Trees grow old and eventually die. Good husbandry of timber makes use of these trees. Nature preserves should be used to preserve unique forest areas.

Robert Woodling, *President, Indiana Forestry and Woodland Owners Association*, stated that he lives five miles from the backcountry area. His woods are healthier because of his land management practices. There are many wooded areas in the state that are not managed. There is not a need for another unmanaged forest area.

David Haberman, *President, Indiana Forest Alliance*, distributed a packet of information that included letters from biologists at Indiana University and the Bloomington City Council and other information concerning the preservation of the backcountry areas of the Morgan-Monroe and Yellowwood State Forests. (Exhibit #7) Mr. Haberman stated that DNR believes that timber management is the best way to preserve forests. However, that is not the best way to restore a forest to look like it did 100 years ago. The backcountry was set up at the same time as the Deam Wilderness Area. The area has not been logged since the area was established. The history and spirit of the area's establishment has been to create an area off-limits to logging. DNR is looking at removing 13 trees per acre over an area of 105 acres, which is a heavy cut by DNR standards. He stated that the leaders who are located near the backcountry area are unanimously opposed to logging in the area. DNR's experts in forest management focus on ultimately using the forest for harvest - different experts are needed to restore the forest to its original state. He would like the legislature to give DNR direction and uphold the policy that has been in place concerning the backcountry.

In response to committee questions, Mr. Haberman stated that he does not believe that DNR have on staff any restoration biologists.

Heidi Russell Wagner, *Environmental Planner*, stated that she has a masters degree in forest sciences which includes classes that would be taken by a person in timber management. Forest sciences looks at the whole forest ecological system. A forest will not wither if it is not disturbed. There are several stages of succession that a forest must go through before it can become an old growth forest again. Certain trees must die out, but in the final stage mature trees can exceed their expected tree age. When a forest reaches the closed canopy stage, the reduced sunlight to the understory creates a different ecosystem which will create more biological diversity in our state's forest system. Cutting trees out of the backcountry area will prevent this forest from reaching the final stage of growth.

Doug Egenolf stated that his family owns over 200 acres that are adjacent to the backcountry. The backcountry does not attract wildlife, just people. He has seen more wildlife on his land since he had his trees clear-cut. In Indiana, it is not worthwhile to try to retain large trees because large trees eventually get knocked down by heavy winds.

Jim Steen, *Indiana Hardwood Lumbermen's Association*, stated that he studied forest management at Ohio State University. Wood is the only structural resource that is created by photosynthesis. He does not want to see wood go to waste and not harvesting the backcountry would be a waste of resources.

Christine Carmichael, *student, Indiana University*, stated that an annual marathon through the backcountry draws about 800 entrants. Over the two day period an estimated \$200,000 is spent in the surrounding communities (e.g. restaurants and lodging). The race through older growth trees is the draw to bring participants. This annual economic impact of the marathon exceeds the \$80,000 that can be made through timber sales. She also commented on the different habitat that is created by establishing a mature forest (e.g. deep furrowed bark for bats).

Mike Powers, *Indiana Hardwood Lumbermen's Association*, stated that he originally came from St. Louis to study at Indiana University. After graduating, he moved out of state but eventually moved back because he loves the area. A healthy forest needs proper management. Trees collect carbon but after a tree dies and begins to degrade the carbon is released back into the atmosphere.

Rhonda Baird, *Indiana Forest Alliance*, spoke about the character of the forest she used to visit with her grandfather. Today's forest has nearly identical straight trees with lots of light penetration, this is not the forest of her childhood. The backcountry represents only about 2% of the forest system. Indiana's forests are recovering from the severe cuttings that took place in the 1920-30's, but they are not recovering as fast as our neighboring states. Previous state foresters have prohibited logging in the backcountry area, but the new state forester has changed this long standing policy. Last year, parts of the backcountry were marked to be clear-cut and would have been had efforts not been made which temporarily stopped the process. A recent survey found that people use the backcountry area for different reasons and come from a variety of backgrounds. However, a majority of respondents stated that they would use the area less or not at all if the area was commercially logged.

In response to questions from the Committee, **John Davis**, *Deputy Director, DNR*, stated that the advertising and marking of trees in the backcountry area was an error. DNR had agreed to not log any trees in the area until after the matter was brought before the Committee. He also clarified that the term "clear-cut" only applies when 10 or more acres are cut.

Dan McGuckin, *Member, Indiana Society of American Foresters and the Indiana Chapter of the Wildlife Society*, stated he is a private wildlife and forestry consultant. He stated that he agreed with the testimony that had been presented by DNR. He asked the Committee to trust DNR's expertise and to responsibly manage the timber resources.

Greg Koontz, *Timber Buyer, Foley Hardwoods*, pointed out that some of the area included in the backcountry was logged before it was acquired by DNR.

Melanie Hunt distributed a copy of her testimony (Exhibit #8) and stated that there has not been any logging in the backcountry for 30 years. Many people live in the surrounding area. When an area is logged, property values in the area go down. The people she has talked to who live in the area and who will be impacted by the decisions that are made by DNR do not want logging in the backcountry area.

Tim Wilson, *Hoosier Chapter of the Sierra Club*, stated that helping wildlife is a critical goal but DNR is only focused on species that would benefit from cutting. He opposed any sale and cutting of timber in the backcountry, citing the other forested areas still available to the timber industry. He would like the backcountry area to be able to develop naturally because he would like to witness an area that is undergoing a natural progression of forest succession.

Michael Luurtsema, *a resident of Bloomington*, stated that he is not opposed to logging but disagrees with DNR that a forest must professionally maintained to promote a healthy forest. There are many healthy forests that are maintained through nature. A potential problem with logging is that the logging trucks can carry invasive species from one forested area to another. He noted that DNR's earlier presentation only listed species that would be helped by cutting but did not list the species that would be harmed by the cutting. Obtaining species diversity in Indiana requires different types of areas.

John Paul Krol, *Indiana Forest Alliance*, stated that he runs in the marathon. There are not many trail marathons in the Midwest. Runners like racing through a pristine environment. If the backcountry loses its pristine character, runners will enter other marathons instead. Even when the marathon is not going on, the backcountry is a great recreational experience.

Bruce Wakeland, *Consulting Forester*, stated that the harvest that is marked in the backcountry is a conservative timber sale and not located near the trails. He would like to see more money from timber sales to be used for incentives to encourage good forest stewardship.

Carolyn Day stated she has been a hiker for 40 years. The experience of hiking in the Morgan-Monroe and Yellowwood state forests is very different from hiking in a state park. She agrees that forest management is good for most of the state's forests. However, the uniqueness of the 3,000 acres of the backcountry is something that needs to be preserved. She stated that to witness a forest similar to the backcountry you would need to visit a section of forest near Montpelier, Virginia.

Karen DeBruler stated that she takes her family backpacking on a regular basis. Areas for hiking are needed in both the federal and state forests. There is no other area like the backcountry in the state of Indiana. The forest's unstructured environment creates a great stress reliever for people who go there and a way to connect one's soul and spirit to nature.

Tim Maloney, *Senior Policy Director, Hoosier Environmental Council*, stated that he supports the continued preservation of the backcountry area. He quoted a portion of the DNR's State Forest Environmental Assessment concerning alternatives to current forest management practices and setting aside the area from timber harvesting for recreation and aesthetic purposes. It is appropriate to set aside the land in the backcountry area from logging. The previous state foresters had decided to not log the backcountry.

Pete Hanebutt, *Indiana Farm Bureau*, stated that a substantial number of the Farm Bureau members own private forests. They support sound timber management practices. About an eighth of the money collected from state public timber sales is sent to the counties.

HOMELAND SECURITY GRANT PROGRAM

Andy Zirkle, *Grants Program Director*, and **Caitlin Intermill**, *Policy Development & Research Branch Chief, Department of Homeland Security (DHS)*, distributed information concerning the Homeland Security Grant Program (HSGP) (Exhibit #9) The HSGP is comprised of four components: (1) the State Homeland Security Program; (2) the Urban Areas Security Initiatives; (3) the Metropolitan Medical Response System; and (4) the Citizens Corps Program. The executive director of DHS makes the final grant allocation determinations, which must meet listed national and state priorities. DHS has divided the state into 10 districts. The local agencies within the district are encouraged to work together in submitting grant applications. Eighty percent of state grant money must be distributed to local agencies. The federal Department of Homeland Security has a list of allowable equipment that may be purchased with grant money. Guidelines for 2010 federal grants will be issued in December 2009.

INVASIVE SPECIES COUNCIL

Phil Marshall, *State Entomologist, Division of Entomology and Plant Pathology, DNR*, stated that the Invasive Species Council was created during the 2009 legislative session. The Council is still being organized. All the members who are part of an agency have been identified, except for a representative of the Indiana Department of Transportation (INDOT). The Governor will be making appointments in the near future.

VEHICLE/DEER ACCIDENT REDUCTION PLAN

Chris Smith, *Director, Legislative Relations, DNR*, distributed information concerning the Hunters Helping Farmers program (Exhibit #10) and the new antlerless deer bag limit (Exhibit #11). He stated DNR is increasing the bag limits on deer. However, it is difficult to get hunters to hunt more deer because hunters usually only take deer they can use. DNR has met with other state agencies to discuss ways to reduce vehicle-deer accidents. INDOT has looked at a system that incorporates sensors and warning lights but the system is too expensive. Most deer are on private property. DNR is developing an electronic deer hunter resume system to help pair deer hunters with farmers who will allow deer hunting on their property.

Mark Reiter, *Director, Division of Fish and Wildlife, DNR*, stated that DNR is developing new strategies to manage the state deer population. The goal is to reduce the size of the deer herd. Bag limits are being increased in many counties. DNR is also looking at changes to the length and start dates of hunting seasons. New weapons have been allowed in deer hunts in recent years and the department will look at expanding the weapons that may be used to take deer. DNR would like hunters to harvest more female deer. Deer hunting licenses are being adjusted to provide an incentive to take more doe.

Pete Hanebutt, *Indiana Farm Bureau*, complimented DNR on its deer reduction efforts. There is a need to encourage more people to take up deer hunting. There are only about 50-60,000 deer hunters in the state. A limiting factor for existing deer hunters is available freezer space to store venison.

A letter was distributed to Committee members from **Emily Weikert Bryant**, *Executive Director, Feeding Indiana's Hungry, Inc.*, supporting a deer processing fund fee to be added to hunting license fees. (Exhibit #12)

OVER POPULATION OF RACCOONS

Mark Reiter, *Director, Division of Fish and Wildlife, DNR*, stated that the state raccoon populations are up. There are now about four times as many raccoons than there were in the 1970's. One method of estimating the raccoon population is to count the road kill. Raccoon hunting has declined because of lower fur prices. In the 1970's, a pelt was worth about \$60, but today a pelt is worth about \$6-8. The only health problem in the state raccoon population is distemper. There are raccoon populations east of Indiana that have rabies, but rabies has not been discovered in local raccoons yet.

Chris Smith, *Director, Legislative Relations, DNR*, stated that raccoons are a problem in many state parks. People feed the raccoons, which encourages the raccoons to come back and seek food from humans. About 300 raccoons were removed from DNR properties last year.

Dan Bortner, *Director, State Parks and Recreation, DNR*, stated that the Pokagon and Whitewater state parks generate the greatest number of raccoon complaints. When a complaint is made to the park manager, the park manager is authorized to bring in trappers to remove the raccoons.

MINIMUM AGE TO HUNT ALONE

Chris Smith, *Director, Legislative Relations, DNR*, stated that there are seven states, besides Indiana, that do not have a minimum age to hunt. However, Indiana has a mandatory hunter education program that a person must pass before they are allowed to hunt. The most recent hunting accident figures are for the 2005-06 hunting season. Most hunting accidents involve falls from tree stands. The most likely group to be involved in a hunting accident is hunters in their 30-40's. The one firearm accident that involved a youth involved a situation where a youth was supervised by their father. However, the father handed the youth a gun that did not have a guard on and the gun was cocked. Since the hunter education classes have been in place, 15,000 students have passed the course. DNR does not want to create a roadblock for new hunters. If a youth is not hunting by age 16, it is unlikely the person will become a hunter.

Mike Crider, *Director, Division of Law Enforcement, DNR*, stated that he ran the state's hunter education program for eight years. Some states have placed a distinction on what size game youth may hunt alone. He has not seen any correlation between age of the hunter and ability. It is extremely rare to have a hunting accident that results in death. A safety measure that Indiana has built into its hunting regulatory system is that hunting must take place with mid-range or less firearms. Indiana started its hunter education law in 1974. In 1976, the state required hunters to wear orange clothing. This year there have been two hunting related fatalities. In one case, a hunter slipped down a river bank and shot himself. In the other case, a hunter drowned when the canoe he was in tipped over. The incident reports do not show a need to change the hunting age.

OTHER BUSINESS

A letter was distributed from **Bill Beglin**, *Brookville Lake Sailing Association*, concerning preservation of the Hanna Creek facilities on Brookville Lake. (Exhibit #13)

RECOMMENDATIONS

The Committee discussed various proposed recommendations and voted to adopt the following recommendations:

PD 3184, as amended, was adopted by the Committee by a vote of 7-0. The amended draft: (1) establishes a procedure to collect voluntary donations when hunting licenses are sold; and (2) specifies that the proceeds must be used to process donated wild game related to feeding the state's hungry.

PD 3203 was adopted by the Committee by a vote of 7-0. The draft provides that the reduced fee for disabled veterans fishing and hunting licenses, is in the minimum amount necessary to obtain federal reimbursement funds.

The Committee adopted the final report, as amended to reflect the final meeting, by a vote of 7-0.

The Chairperson adjourned the meeting at 4:10 p.m.